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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,556	11/30/2000	Matthias Breuer	P-4583	4954

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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/728,556

Applicant(s)

BREUER, MATTHIAS

Examiner

Truc T Chuong

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7-11, 14-18, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (U.S. Patent No. 5,937,163).

As to claim 1, Lee teaches a computer-based method of interactively generating an index page comprising:

displaying a window including a list of index page types (table of contents, col. 9 lines 59-67 and figs. 10-11);

displaying a window including a list of index line types upon selection of one index page type in said list of index page types (list of entries, col. 9 lines 51-58);

displaying a token string including a plurality of tokens, upon selection of one index line type in said list of index line types (col. 11 lines 53-67 and fig. 10), wherein said plurality of tokens includes only tokens appropriate for said one index line type (distinct organization, col. 11 lines 59-66); and

displaying, for at least one token in said plurality of tokens, user selectable attributes for data associated with said at least one token (Modification of Organization, col. 17 lines 35-67 and Options of figs. 10 and 11).

As to claim 2, Lee teaches the method of Claim 1, wherein index line types in said list of index line types represent different levels in a hierarchical order within the index page (hierarchical organization, col. 10 lines 1-8 and figs. 10-11).

As to claim 3, Lee teaches the method of Claim 2, wherein the list of index page types includes a table of contents (col. 9 lines 59-76 and figs. 8, 10-11).

As to claim 4, Lee teaches the method of Claim 1, wherein the list of index page types includes a table of contents (see claim 3 above).

As to claim 7, Lee teaches the method of Claim 1, wherein the at least one token is a tabulator token and said user selectable attributes include tabulator positions (figs. 10-12).

As to claims 8-11, these are product claims of method claims 1-4. Note the rejections of claims 1-4 above respectively.

As to claim 14, this is a product claim of method claim 7. Note the rejection of claim 7 above.

As to claims 15-18, these are program product claims of method claims 1-4. Note the rejections of claims 1-4 above respectively.

As to claim 21, this is a program product claim of method claim 7. Note the rejection of claim 7 above.

As to claim 22, this is a system claim of method claim 1. Note the rejection of claim 1 above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 12-13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (U.S. Patent No. 5,937,163) in view of Rivette et al. (U.S. Patent No. 5,623,679).

As to claim 5, Lee teaches the method of Claim 1 wherein the list of index page types but does not show the index page types includes a bibliographic index. Rivette clearly teaches bibliographic index (col. 19 lines 37-55 and figs. 14, 29, and 32). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to have bibliographic formatting information of Rivette's displaying data object in Lee's system to provide more related information to the users on different sources.

As to claim 6, it is individually similar in scope to claim 5 above; therefore, rejected under similar rationale.

As to claims 12 and 13, these are product claims of method claims 5 and 6. Note the rejections of claims 5 and 6 above respectively.

As to claims 19 and 20, these are program product claims of method claims 5 and 6. Note the rejections of claims 5 and 6 above respectively.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oren et al. (U.S. Patent No. 6,539,387 B1) teach hierarchy, table of contents, index, database, storage, and GUI (cols. 3-14 and figs. 1-16).

Pajak et al. (U.S. Patent No. 5,388,196) teach hierarchy format, attribute, listing, books, and levels (cols. 4-22 and figs. 1-17).

Warren et al. (U.S. Patent No. 5,632,022) teach index, table of contents, and GUI (cols. 3-17 and figs. 1-16).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong  
May 2, 2003

*Kristine Kincaid*  
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